

BOX AF  
REPLY UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
TC/AU. 1615

### Remarks

Applicants acknowledge receipt of the Office Action mailed April 14, 2004 and submit that this Amendment and Response is a reply to each every rejection raised in the Office Action.

Currently, Claims 1-41, including Independent Claims 1 and 24, are pending in the present application. New dependent Claims 36-41 are by this Response and Amendment.

Independent Claim 1 is directed to a composite material that includes a substrate, a boundary layer that comprises a hydrocarbon emollient on a surface of the substrate and a topical application on the surface of the boundary layer opposite the substrate. The boundary layer is located between the substrate and the topical application and the transfer forces necessary to separate the topical application from the boundary layer are less than the transfer forces necessary to separate the boundary layer from the substrate. Independent Claim 24 is directed to a method of making a composite material that includes providing a substrate, applying a boundary layer that also comprises a hydrocarbon emollient to the substrate and applying a topical application to the boundary layer.

Applicants submit that the prior art fails to disclose, teach or suggest a boundary layer that comprises a hydrocarbon emollient between a topical application and a substrate wherein the transfer forces necessary to separate the topical application from the boundary layer are lower than the transfer forces necessary to separate the substrate from the boundary layer. Applicants also submit that the prior art fails to disclose, teach or suggest a method of making a composite material that includes providing a substrate, applying a boundary layer that comprises a hydrocarbon emollient to the substrate and applying a topical application to the boundary layer. Accordingly, Applicants respectfully request favorable reconsideration and allowance of the present patent application.

### Response to Rejections under 35 U.S.C. § 112

Applicants have amended Claim 15 as requested by the Examiner to replace the term "film-like" with "film". With respect to the §112 rejection of Claim 17 as being an improper Markush expression, Applicants respectfully disagree. Claim 17 currently recites that "nonwoven web comprises a spunbond web, a meltblown web, a coformed

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web or a bonded carded web." Applicants submit that this is a proper alternative Markus type expression similar to the approved expression found in M.P.E.P. § 2173.05(h) (II). There is no ambiguity in the expression as currently recited in Claim 17. The nonwoven web of the composite material claimed includes either a spunbond web, a meltblown web, a coformed web or a bonded carded web and can include a laminate including at least any one of those materials. Thus, Claim 17 is definite within the meaning of 35 U.S.C. § 112.

#### Response to Rejections under 35 U.S.C. § 102

In the Office Action, Claims 1-13 and 15-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,287,581 to Krzysik et al. (hereinafter Krzysik) describes a skin barrier enhancing formulation on a substrate such as a body side liner of a diaper. Krzysik fails to disclose a topical application on the surface of a boundary layer that comprises a hydrocarbon emollient located on a substrate. In the present patent application, the boundary layer is a separate layer that is applied to a substrate so that a second layer comprising a topical application that is applied on top of the boundary layer may be readily separated from the substrate and boundary layer and subsequently transferred. Specifically, the transfer forces necessary to separate a topical application from the boundary layer are lower than the transfer forces necessary to separate the substrate from the boundary layer as presently claimed in Claim 1. The boundary layer is a layer that is separate from the topical application as illustrated in Figures 2, 4, 5 and 6 and enhances transfer efficiency of ingredients that are placed over the boundary layer such as the topical application. A boundary layer is not blended with the topical application as described in the cited references. Krzysik fails to disclose a boundary layer that is a separate layer from the topical application wherein the transfer forces necessary to separate a topical application from the boundary layer are lower than the transfer forces necessary to separate the substrate from the boundary layer. Krzysik also fails to disclose a method of forming a composite material wherein a boundary layer is applied to a surface of a substrate and then a topical application is applied to the boundary layer. Thus, for at least the reasons set forth above, Applicants respectfully submit that the present claims are not anticipated by the above-cited reference.

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In the Office Action, Claims 1-11 and 15-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,153,209 to Vega et al. (hereinafter Vega). Vega describes a skin care composition on a substrate such as a topsheet or body facing surface of a diaper. However, Vega fails to disclose a boundary layer between the skin care composition and the substrate. A topsheet is not a boundary layer. Not only does Vega fail to disclose a boundary layer between a topical application and a substrate, Vega fails to disclose a boundary layer wherein the transfer forces necessary to separate a topical application from the boundary layer are lower than the transfer forces necessary to separate the substrate. The absorbent core of Vega is not designed to facilitate the separation of a skin care composition from a substrate to which the skin care composition is applied. The topsheet in Vega could be a substrate of the present patent application. However, no boundary layer is disclosed, taught or suggested by Vega. Furthermore, the topsheet is not described as adhered to the absorbent core and a topsheet coated with a skin care composition would like adhere to an infants bottom and separate the topsheet, at least temporarily from the absorbent core.

Specifically, Vega fails to disclose a topical application on the surface of a boundary layer on a substrate wherein the boundary layer comprises a hydrocarbon emollient. Vega also fails to disclose "a boundary layer that has a lower melt temperature than the substrate, whereby the boundary layer liquifies when exposed to a temperature of at least about 25°C" as presently claimed in Claims 3 and 29. The topsheet that the Examiner alleges is a boundary layer does not liquifies when exposed to a temperature of at least about 25°C. Topsheets are typically formed from polyolefins and do not melt at such temperatures.

For at least the reasons set forth above, Applicants respectfully submit that the present claims are not anticipated by the above-cited reference.

### Conclusion

The Examiner is respectfully requested to enter this Reply After Final in that it raises no new issues. Alternatively, the Examiner is respectfully requested to enter this Reply After Final in that it places the application in better form for Appeal.

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Should there be any outstanding matters that need to be resolved in the present application, Examiner Venkat is respectfully requested to contact the undersigned at telephone number (770) 587-8620 should any issues remain after consideration of this response.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I, Christos S. Kyriakou, hereby certify that on July 14, 2004 this document is being sent via facsimile to Examiner Jyothsna A. Venkat facsimile number 703-872-9306.

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